



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

July 13, 2017

MICHAEL L. HARWARD
5291 GALBRAITH RD
ACME, WA 98220

RE: ADMINISTRATIVE ACTION; CR 2016-02079

Dear Mr. Harward:

Enclosed is an Order of Default entered by the Commission on July 13, 2017, revoking your license/certification to conduct gambling activities. This action occurred because you did not timely respond by requesting a hearing to the administrative charges filed on April 18, 2017 against your gambling license/certification.

You have the right to move to vacate this Order. If you do so, we must receive your request by the 10th day after the Order was mailed. Your motion must include the specific grounds upon which relief is requested and must be submitted to:

Washington State Gambling Commission
Attention: Legal & Records Division
P.O. Box 42400
Olympia, WA 98504-2400

You also have the right to submit a Petition for Judicial Review. If you do this, you must submit it within 30 days of the date the Order was mailed. RCW 34.05.514 explains where you must file this petition and RCW 34.05.546 explains what information your Petition must include.

This is not meant to be a full explanation of all the statutes and regulations you would need to understand to move to vacate or Petition for Judicial Review. Please call me at (800) 345-2529, extension 3475, with any questions.

Sincerely,

Haylee P. Mills, Staff Attorney
Legal & Records Division

Enclosure



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**STATE OF WASHINGTON
GAMBLING COMMISSION**

In the Matter of:

NO. CR 2016-02079

MICHAEL L. HARWARD,
License No. 69-35441,

FINAL ORDER OF THE
GAMBLING COMMISSION

Class III Employee.

These matters having come before the Washington State Gambling Commission (Commission) on July 13, 2017 and the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

I. FINDINGS OF FACT

1. The Washington State Gambling Commission issued Licensee Michael L. Harward, License number: 69-35441, authorizing Class III Employee activity at the Swinomish Casino and Lodge, and then Silver Reef Hotel, Casino & Spa.

2. Mr. Harward's license expired on July 6, 2017, and was issued subject to Mr. Harward's compliance with state gambling laws, Commission rules, and the Swinomish and Lummi Nation Tribal-State Gaming Compacts.

3. On or about April 23, 2016, Mr. Harward, while working as a host at the Swinomish Casino and Lodge, authorized a \$1,144.52 charge on a Swinomish Casino & Lodge company credit card. The charge was for a hotel, dinner, and show ticket package at a casino in Las Vegas for someone named Sindy Wiebe.

1 4. When confronted about the charge, Mr. Harward wrote a justification for the
2 casino and claimed he was experimenting with tour groups. Later he claimed that it was part of
3 a charity auction.

4 5. Someone associated with the charity auction reimbursed the credit card charge,
5 and Mr. Harward admitted that he wrote a false justification and tried to hide it. He was
6 terminated from the casino on May 13, 2016.

7 6. In July, 2016, Mr. Harward obtained certification through the Lummi Nation and
8 began work at the Silver Reef Casino, but was terminated in November, 2016 for not purchasing
9 food from a vendor, causing the vendor to be short in their till.

10 7. On November 21, 2016, the Swinomish Tribal Gaming Agency issued a final
11 order revoking Mr. Harward's gaming license because he falsified documents, put a personal
12 charge on a company credit card, and lied about the justification. Mr. Harward did not inform
13 the Commission of the Swinomish TGA's final order of revocation.

14 8. Director David Trujillo issued administrative charges on April 18, 2017, alleging
15 that Mr. Harward's unlawful actions constituted violations of RCW 9A.60.020 and RCW
16 9A.56.040, and that his failure to report his administrative case was proof that he could not show
17 by clear and convincing evidence that he was qualified for licensure as required by RCW
18 9.46.153(1) and (3), and that his actions warranted revocation of his license pursuant to RCW
19 9.46.075(1) and (8), and WAC 230-085(1), (3), and (8)(a), (c), and (d), as well as Section V.C.(1)
20 and (3) of the Swinomish Tribe-State Gaming Compact.

21 9. Mr. Harward was sent the charges by regular and certified mail on April 19, 2017,
22 to his last known address.

23 10. The Commission received the returned certified mail on May 2, 2017 as "Return
24 to Sender, No Mail Receptacle, Unable to Forward." The notice sent by regular mail was not
25 returned to the Commission.

26 11. To date, the Commission has not received any response from Mr. Harward.

1 **II. CONCLUSIONS OF LAW**

2 1. Mr. Michael L. Harward was sent proper notice of the April 18, 2017 charges via
3 first class mail and certified mail on April 19, 2017 under RCW 34.05.434, RCW 34.05.431, and
4 WAC 10-08-130, and had twenty-three (23) days after being mailed charges to respond, pursuant
5 to WAC 230-17-010(1)(a), (b).

6 2. The Commission can take final action against Mr. Harward's gambling license
7 under Case Number CR 2016-02079 pursuant to RCW 9.46.075, RCW 34.05.440(1), RCW
8 34.05.461, and WAC 230-03-085.

9 3. Mr. Harward's license should be revoked under Case Number CR 2016-01835
10 pursuant to RCW 9A.60.020, RCW 9A.56.040, RCW 9.46.153(1) and (3), RCW 9.46.075(1)
11 and (8), and WAC 230-03-085(1), (3), and (8)(a), (c), and (d), as well as Section V.C.(1) and (3)
12 of the Swinomish Tribe-State Gaming Compact.

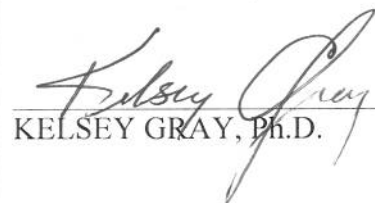
13 **ORDER**

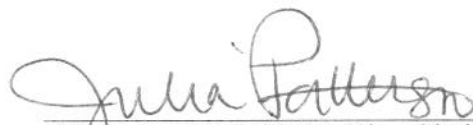
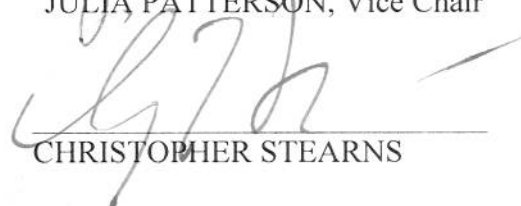
14 This matter having come before the Commission at its July 13, 2017, Commission
15 meeting, the Commissioners having heard arguments, given the chance to review the
16 administrative record, and being fully advised in this matter, now therefore:

17 It is hereby **ORDERED** that Michael L. Harward's gambling license, Number 69-35441,
18 is **REVOKED**.

19 DATED this 13 day of July, 2017.

20 
21 _____
22 BUD SIZEMORE, Chair

23 
24 _____
25 KELSEY GRAY, Ph.D.

26 
JULIA PATTERSON, Vice Chair

CHRISTOPHER STEARNS

ED TROYER
FINAL ORDER OF THE
GAMBLING COMMISSION

IN RE: MICHAEL L. HARWARD
NO. 2016-02079

1 **NOTICE**

2 Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a
3 petition for reconsideration of a final order. A petition for reconsideration must be received no
4 later than thirteen (13) days after the date this final order is mailed. Any motion for
5 reconsideration must state the specific grounds supporting the party's request for
6 reconsideration.

7 Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this
8 Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final
9 order. Any petition for a stay should be received by the Commission within thirteen (13) days
10 after the date this final order is mailed.

11 Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by
12 filing a petition for judicial review within thirty (30) days after service of this order. A petition
13 for judicial review must be filed with the appropriate superior court and served upon both the
14 Commission and the Office of the Attorney General.

15 Service: This Order was served on you three days after it was deposited in the United
16 States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

17 Any motions or petitions for judicial review should be served on or mailed to:

18 Washington State Gambling Commission
19 Legal and Records Division
20 4565 7th Avenue S.E., Lacey, WA
21 P.O. Box 42400
Olympia, WA 98504-2400


Gregory J. Rosen
Attorney General's Office
1135 Washington St. SE
P.O. Box 40100
Olympia, WA 98504-0100

CERTIFICATE OF SERVICE

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

MICHAEL L. HARWARD
5291 GALBRAITH RD
ACME, WA 98220

EXECUTED this 13 day of July, 2017, at Lacey, Washington.



Haylee Mills
Staff Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26